

1 THE HONORABLE ROBERT J. BRYAN
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

8 UNITED STATES OF AMERICA,) No. CR23-5034RJB
9 Plaintiff,)
10 v.) DEFENSE SENTENCING
11 SAKIRU OLANREWAJU AMBALI,) MEMORANDUM
12 Defendant.) Hrg: March 14, 2023, 9:30 a.m.
13 _____)

14
15 I. SUMMARY

16 Sakiru Ambali grew up in extreme poverty in Nigeria. His parents all but
17 abandoned him, causing him to live on the streets throughout his youth. He was beaten
18 by his father and survived his childhood on what was in essence a starvation diet.
19 Somewhat miraculously, he escaped the hardships of Nigeria, and was granted legal
20 permanent resident status in Canada in 2018. His children (aged 12 and 15) were also
21 granted that status. In fact, he was bringing them to Canada for the first time when he
22 was arrested in Germany on this case. His children were able to emigrate to Canada
23 shortly after that arrest, and are now living with his girlfriend, someone whom the
24 children had never met before.

25 Mr. Ambali accepted responsibility for his actions at a very early stage in the
26 process, announcing his desire to resolve the case quickly to the attorney who

1 represented him at the initial appearance. He has repeatedly expressed his remorse for
 2 the harm he caused. He has stipulated to being responsible for \$1 million in restitution.
 3 He did not, however, personally receive anything close to that amount. Here is how he
 4 expressed his remorse during the presentence interview:

5 “I am sorry for everything. I didn’t know the damage was that huge. I was
 6 desperate to help my dying sister. When I heard the amount of the crime
 7 [loss], I was ashamed of myself. The more I became involved, the more I
 8 kept losing. I have lost everything. My kids. My family. I want to be there
 9 for my parents. I want to be there for my kids. I will never be part of this type
 10 of atrocity again in my life.”¹

11 Since he made that expression of contrition, he wrote a two-page letter to the
 12 Court, typing it into BOP’s email system because he was concerned about the quality of
 13 his handwriting. That is attached and discussed below.

14 Mr. Ambali’s strongest desire is to return to his children, who are suffering in his
 15 absence. The longer he is incarcerated, the greater the risk that Mr. Ambali will lose his
 16 legal permanent residency status. If that were to occur, his children would grow up
 17 without the presence of their father. To best guard against that occurrence, he asks for a
 18 two-year sentence.

19 **II. MR. AMBALI’S IMPOVERISHED UPBRINGING IS HIGHLY
 20 MITIGATING. ANOTHER FACTOR THAT FAVORS LENIENCY IS
 21 THE HARM THAT HIS CHILDREN WILL SUFFER IF HE IS
 22 INCARCERATED FOR A LENGTHY PERIOD: A LONG PRISON
 23 SENTENCE RISKS CREATING A SITUATION IN WHICH MR.
 24 AMBALI WILL BE DEPORTED TO NIGERIA WHILE HIS KIDS
 25 GROW UP IN CANADA. THIS UNIQUE FACT FAVORS A TWO-YEAR
 26 SENTENCE.**

27 Mr. Ambali’s mother abandoned him when he was only 11 years old. She
 28 essentially left the family to escape a debtor and to try to survive on her own. A young

¹ From defense counsel’s raw notes, slightly edited for clarity.

1 Mr. Ambali later found her working in a bar. She also slept in that bar. She stated that
 2 she could not afford to support her kids.

3 Mr. Ambali's father was an abusive alcoholic. With his mother gone, Mr.
 4 Ambali lived with his father and his five siblings in a room that was about the size of a
 5 prison cell. The kids all slept on the floor. His father was absent most of the time, as he
 6 worked in a distant city. He would stop by once a week to provide his kids with food,
 7 cassava flakes, which would be mixed with water to make a sort of porridge. A batch of
 8 this gruel would be made once a week; the kids had to stretch the food out. When there
 9 was no food left, they would beg in the streets. Mr. Ambali had a single set of clothes
 10 for a three-year period of his childhood.

11 When Mr. Ambali's father was home, he kicked, pushed and slapped his
 12 children. He would also berate them constantly, calling them names and telling them
 13 they were useless. (His father has since obtained sobriety).

14 Mr. Ambali's family has been marred by tragedies resulting from the poverty
 15 they suffered. The fact that his family could not afford medical care has resulted in a
 16 number of untimely deaths. His sister, for example, died of malaria when she was only
 17 nine years old. Another sister was stricken with apparent cancer. Mr. Ambali is not
 18 exactly sure of the diagnosis; he has stated that "something was growing in her body
 19 along with her pregnancy." A doctor had recommended surgery, but no one in the
 20 family could pay for it. His desire to obtain funds in an effort to help his sister afford
 21 that surgery is how he came to be involved in this offense. Ultimately, his sister died,
 22 along with the unborn child.

23 As noted, Mr. Ambali is a Nigerian national. He first arrived in Canada in
 24 January 2017 and received Canadian legal permanent resident status in October 2018.
 25 He was arrested in this case in Germany on February 21, 2023, while attempting to
 26 bring his children (who had just been granted Canadian legal permanent resident status

1 themselves) into Canada for the first time. They are 12 and 15 years old, and are now
 2 living with his girlfriend in Canada, someone whom they had never met before.

3 Both of Mr. Ambali's kids love soccer. His daughter wants to be a lawyer. His
 4 son wants to be an engineer. They miss their father very much, and he, of course,
 5 misses them. Mr. Ambali wishes to guide his children forward. The longer he is
 6 incarcerated, the greater the risk that he will lose his permanent resident status. If that
 7 were to happen, both he and his children would suffer. Indeed, his children are already
 8 adversely affected by his incarceration:

9 A number of studies have highlighted the devastating impact of parental
 10 imprisonment on children. As well as a significant sense of loss, many
 11 children experience stigma, social isolation, shame and fear. This underlines
 12 the need to use non-custodial measures wherever possible to reduce the
 13 disruption and trauma of a parent's imprisonment. Parental imprisonment
 14 can have a negative impact on children's short-term emotional well-being,
 15 as well as their long-term health and social prospects.

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17 The imprisonment of a household member is one of the ten adverse
 18 childhood experiences (ACEs) known to have a significant impact on long-
 19 term health and well-being.¹¹ Further, the imprisonment of a household
 20 member is associated with a fivefold increase in exposure to other ACEs.¹²
 21 The more ACEs a child suffers, the more likely this is to impact negatively
 22 on outcomes in terms of health, school attainment and later life experiences.
 23 Recent research has highlighted that those with a higher exposure to ACEs
 24 are more likely to go on to develop health-harming and antisocial behaviours,
 25 such as binge drinking, smoking and drug use. Poor health and social
 26 behaviour can lead to a more rapid development of diseases such as diabetes,
 cancer, cardiovascular disease and mental illness.

Beresford S, Loucks N, Raikes B., "The health impact on children affected by parental imprisonment. BMJ Paediatr Open (February 10, 2020).²

² Available here: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7047477/> (last accessed March 7, 2023) (footnotes omitted).

1 **III. AS NOTED, MR. AMBALI HAS WRITTEN A THOUGHTFUL LETTER**
 2 **TO THE COURT, SELECTIONS OF WHICH ARE INCLUDED HERE.**
 3 **THE LETTER IS ATTACHED IN FULL AS EXHIBIT A.**

4 Mr. Ambali has written a detailed and thoughtful acceptance of responsibility
 letter. Here are portions of it:

5 I want to take the time to thank you in advance for your time and attention. I want to use this opportunity to apologize to Your
 6 Honor, to the officers of the court, and to the United States of America. I also want you to know that I fully take responsibility for
 7 my actions. I have began my journey to really look at myself honestly, and to assess how I got here. I can say that I am very
 disappointed in myself because this is not in line with the kind of life I had planned for myself but was something very out of
 character.

8 Your Honor, allow me to talk more about my background and the tough situation that put me in this mess. I was born in a
 9 family of 7, 3 boys and 4 girls. In the past when the entire family was still together we lost one of my junior sisters because of
 10 fever and lack of money from my parents to get her proper medication. Since that very difficult experience, I had promised
 myself to be there for the rest of my family in any situation, no matter what, to make sure I provide for their need within my
 capacity. I vowed to never let such a terrible thing like this happen again.

11 In June 2020, such a situation arose again when an immediate family member, my other sister, became very sick and she
 12 needed medical attention. She had also just lost her husband in December 2019 and needed support in any case. All of the
 13 family focused their attention on me, because to them, I am the only one that escaped poverty and they thought that living in
 Canada, I can do whatever they need, especially for my sister's medical issues. But things seem to not be working in our favor
 due to the situation at hand then, when the global coronavirus pandemic (covid19) affected the entire world.

14 The entire world was in this crisis which cost me my job as an Uber driver as there was lockdowns everywhere and no one
 needed an Uber ride services.

15 The situation and my sister's condition seemed to be getting worse every time I received a phone call from my family who
 urged me to come to the rescue. All of my effort to assist my dying sister proved abortive and the last person I sought
 16 assistance from only came up with these criminal ideas, saying that's all he has for the time being, and that he didn't have
 money to help. Desperately, it was at this time that I made the very poor decision to turn to any solution for this problem, even if
 unlawful.

17 Very soon after this, my sister passed away because of her medical issues. All I wanted was to not let this sad history repeat
 18 and to secure my sister from the hand of death, but because I had failed this test, I am now sitting in prison, I have lost my
 19 sister, I have no money, my kids are in Canada, and my girlfriend is burdened to look after them though she had never met
 them until around the time of my arrest. Looking back at all of this, and when seeing the money and harm involved, I am so
 ashamed of myself for playing the role I played in this situation and crime.

21 Your Honor, all I am asking for is one last chance. For the sake of my kids future, I don't wish to be away from them for so
 22 long, but to instead play my fatherly role in their lives, as is my duty and joy. I stand here guilty, but I promise this Court, the
 23 United States of America, my family, and myself that I will never be a part of or involved in any criminal activities in my life
 again. I will strive every day to live a noble life, to always do what is right, and to set the best example that I can for my beloved
 kids.

IV. CONCLUSION

Mr. Ambali has no quarrel with the fact that he will be held accountable for his actions. He also understands that his decisions have created the situation that has kept him from his children. As he stated during the presentence interview he “will never be part of this type of atrocity again.” A two-year sentence would provide sufficient but not greater than necessary punishment in this case.

DATED this 7th day of March 2024.

Respectfully submitted,

s/ *John R. Carpenter*
Assistant Federal Public Defender
Attorney for Sakiru Olanrewaju Ambali